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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,813	12/07/2001	Naohiko Noguchi	P21778	7756
7055	7590	02/03/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			GODDARD, BRIAN D	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,813

Applicant(s)

NOGUCHI ET AL.

Examiner

Brian Goddard

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11, 13, 15, 16, 18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11, 13, 15, 16, 18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/29/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Amendment filed 22 July 2004.
2. Claims 1-7,11,13,15,16,18 and 20-23 are pending in this application. Claims 1 and 23 are independent claims. In the Amendment filed 22 July 2004, claims 8-10, 12,14,17 and 19 were cancelled; claims 20-23 were added; and claims 1-7,11,13,15,16 and 18 were amended. This action is non-final.

Claim Objections

3. Claim 22 is objected to because of the following informalities: The limitation "wherein the file management information **is comprises** a service management file..." (emphasis added) in the eighth line of the claim is grammatically incorrect. Either the word "is" or the word "comprises" should be removed. In the interest of compact prosecution, the examiner assumes that "is" shall be removed from this limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4-6, 11, 13, 15, 16, 18 and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 11 are incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Specifically, a step introducing 'packages' is missing prior to recitations of "each package" in both claims. Even if the claims be considered complete, the limitations "each package file" in claim 4 and "each package" in claim 11 lack proper antecedent basis because no "package" is introduced in any format prior to these limitations.

Claims 5-6 depend from claim 4, and therefore inherit the above deficiency.

Claim 11 also recites the limitation "the package file" in the third line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 13, 15 and 22 each recite "the metadata correspondence management file according to claim 1." Claim 1 is directed to "a file management method." Although a metadata correspondence management file is recited in claim 1, this file is not the subject of the claim. As claims 13, 15 and 22 are all directed to an apparatus, their dependency on a method claim blurs the scope of these claims. It is unclear whether an apparatus or a method is recited.

Claims 21, 16 and 18 are dependent upon claims 13, 15 and 22 respectively, and therefore inherit the above-noted deficiencies of their parent claims.

Claim 20 is incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Specifically, a step introducing 'services' is missing prior to recitations of "each service" in the third line of the claim. Even if the claim be considered complete, the limitation "each service" lacks proper antecedent basis because no "service" is introduced in any format prior to this limitation.

Claim 21 is incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: 'services' introduced or described prior to the recitation of "each service" in the fifth line of the claim. Even if the claim be considered complete, the limitation "each service" lacks proper antecedent basis because no "service" is introduced in any format prior to this limitation.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 2, 7, 13, 15 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,765,165 to Harper.

Referring to claim 1, Harper discloses a file management method as claimed. See Figure 1 and the corresponding portion of Harper's specification for this disclosure. Harper teaches "a file management method [See Abstract, Background, Summary & Fig. 1] comprising:

recording on a recording medium ['disk'] and managing a distributed object [file] and a metadata file [inode], the metadata file being an individual file [definition of inode] comprising information related to the object and used to retrieve, categorize, and organize the object,

wherein correspondence between an identifier of the metadata file [inode number (105)] and an identifier of the object [file name (100)] corresponding to the metadata file

is managed [See Fig. 1] by a metadata correspondence management file [directory file]" as claimed.

Referring to claim 2, Harper teaches the method of claim 1, as above, further comprising managing the object and metadata file on the recording medium by a directory structure [UNIX file system directory structure], wherein a record type [entry] indicating a placement location [definition of pointer] of the metadata correspondence management file within the directory structure is provided in the metadata correspondence management file [See Fig. 1] as claimed.

Referring to claim 7, Harper teaches the method of claim 1, as above, wherein the metadata correspondence management file indicates a one-to-one relationship [See Fig. 1] between one object identifier [100] and one metadata file identifier [105] as claimed.

Claims 13, 15 and 23 are rejected on the same basis as claim 1. See the discussion regarding claim 1 above for the details of this disclosure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3-6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper in view of U.S. Patent No. 6,611,862 to Reisman.

Referring to claim 3, Harper teaches the method of claim 2, as above, further comprising creating and managing a directory [See Fig. 1] by which the object [file] is distributed, wherein said record type indicates that the metadata correspondence management file is placed under the directory [by virtue of the file system hierarchy (directories and subdirectories)]. Harper does not explicitly teach that the directory is a service directory for each service by which the object is distributed.

Reisman discloses an object distribution system and method with file system characteristics similar to those of Harper. See Column 35, line 62 – Column 47, line 25 of Reisman's specification for the details of this disclosure. Specifically, Reisman teaches creating and managing a service directory for each service by which and object is distributed as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Harper's file system management methods on the user terminal of Reisman's system to which the content objects are distributed, to obtain

the invention as claimed. One would have been motivated to do so because Harper's file system provides effective and efficient metadata management techniques to supplement Reisman's distribution system, which is explicitly applicable to any operating and file system, including that of Harper.

Referring to claim 4, the combined system and method of Harper v. Reisman as applied to claim 3 above discloses the invention as claimed. Specifically, Harper v. Reisman teaches the method of claim 3, as above, further comprising recording on the recording medium a package directory [See Reisman Column 35, line 62 – Column 47, line 25] for each package file with at least one content, wherein the record type indicates... [See claim 3 above] as claimed.

Referring to claims 5 & 6, the combined system and method of Harper v. Reisman as applied to claim 4 above discloses the invention as claimed. Harper v. Reisman teaches the method of claim 4, as above, wherein the record type indicates a distinction... [by virtue of the directory hierarchy, wherein each directory file represents the metadata correspondence management file for the items within that directory] as claimed.

Claim 16 is rejected on the same basis as claim 4, in light of the basis for claim 15 above. See the discussions regarding claims 1-4 and 15 for the details of this disclosure.

Response to Arguments

8. Applicant's arguments with respect to claims 1-7,11,13,15,16,18 and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,401,097 to McCotter et al. is considered particularly pertinent to portions of applicants' claimed invention.

The remaining prior art of record is considered pertinent to applicants' disclosure, and/or portions of applicants' claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 571-272-4020. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg
1 February 2005



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